

REMARKS

Reconsideration of the Office Action of April 25, 2005 is respectfully requested, enclosed herewith is a two month petition for extension of time, together with the requisite fee.

In the Office Action claims 7-11, 17-19, 27 and 28 were rejected under 35 U.S.C. 112, second paragraph. In the above, amendments claims 7, 8, 17 have been amended to address the points raised in the comments. These amendments are considered broadening amendments, but fully supported by the originally filed application's disclosure.

The rejection raised against claim 27 was not understood as Applicants' record suggests that claim 27 uses the terminology "a cam" in line two (the first occurrence of "cam") and thus the discussion concerning "said cam" is not understood. Clarification is respectfully requested.

Applicants note with appreciation the confirmation that dependent claims 13-15 and 18 and 19 contain allowable subject matter. In the present Amendment claims 13 and 15 have been rewritten in independent fashion. As claim 17, from which dependent claim 18 depends, is considered to be patentable as filed (as explained below), claim 17 has been rewritten in independent fashion such that it and claims 18 and 19, which depend from 17, are submitted to be in condition for allowance.

The Office Action rejects claims 1-12, 16-17, 20-24 and 26-29 as being considered by the Examiner to be anticipated by Patelli, and claim 25 stands rejected as being considered obvious by the Examiner based on the combination of Patellit and Fowler.

In the present amendment the subject matter of claim 4 has been included into claim 1 (without the intermediate dependent claim but for the inclusion of push rod). Claim 4 was included in the group above considered anticipated by Patelli. However a review of Patelli shows

it is lacking the feature of having a push rod that has a first end received by said jaw with said jaw being compliance adjustable relative to said first end.

Patelli discloses a rotating block 25b that rotates with shaft end 18 extending from driven gears 20 and 21 shown in Figure 2. Extending through block 25b is a pair of connecting rods 25d that are **rigidly joined** at their innermost ends (closest to the material to be sealed) to the Office Action referenced “end seal compression jaw” 25a (see Figure 7 cut away). Internalized within end seal compression jaw 25a is cutting blade 27. The outer end of cutting blade 27 is fixed to cutting blade tail piece 27a, which in turn is connected at its outer end to toggle lever 29 having an opposite end connected to rod 34 having a return spring for toggling lever 29 into a retracted blade mode whenever hydraulic device 31a is not pushing it into blade extension mode. The assertion in the Office Action that spring 34 biases the jaw 25a is respectfully submitted to be inaccurate as spring 34 is the biasing device for the blade that is sliding within jaw 25a and thus does not function to bias jaw 25a but rather the blade received by jaw 2a. Accordingly, current claim 1 and all of the claim 1 dependents are respectfully submitted to be in condition for allowance.

Claim 17 has been rewritten into independent format and was previously rejected as being considered anticipated by Patelli. However, claim 17 references a fixed in position casing relative to a sealer frame, and from a review of Patelli it can be seen that its block 25b (relied upon in the Office Action as the claimed casing) is a moving block as it rotates in conjunction with the upstream motor and gear assembly. In this regard reference is made to Figures 3 to 5 of Patelli showing that the “casing” 25b is not a fixed in position casing but a continuously moving one.

interrelationship between the end of the rod and the jaw 25a in Patelli. Fowler fails to remedy this deficiency and the assertion that it would have been obvious to modify Patelli to include a heater wire compression surface is respectfully traversed. As noted above, the "casing" in Patelli rotates together with jaw 25 making it ill suited for electrical connections as would be involved with an electric heater wire based system. Accordingly, it is submitted that one of ordinary skill in the art would not look to modifying the moving blade arrangement in Patelli with a heater wire based system in view of the constantly rotating casing and associated jaw.

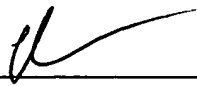
For this reason the rejection against independent claim 29 is also traversed as that claim now includes reference to a heater wire compression surface in the jaw.

New claims 31 to 35 have been added to provide additional altered scope claim coverage. No new matter is considered to have been introduced as the features are all readily recognizable as being subject matter disclosed in the original application specification.

Based on the foregoing it is respectfully submitted that all claim stand in condition for allowance and confirmation of the same is earnestly solicited (including claim 30 which is withdrawn but is subject to rejoinder in view of its dependency on claim 1).

Respectfully submitted,
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